

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

DEVIN W.<sup>1</sup> :  
Plaintiff, : Case No. 2:23-cv-962  
v. : Chief Judge Algenon L. Marbley  
COMMISSIONER OF : Magistrate Judge Stephanie Bowman  
SOCIAL SECURITY, :  
Defendant. :  
:

**ORDER**

On August 12, 2019, Plaintiff filed an application for Title II Child Disability Insurance Benefits. (Tr. 169). On March 22, 2022, the Administrative Law Judge (“ALJ”) issued an adverse written decision. (Tr. 12–30). After the Appeals Council denied further review, Plaintiff filed this Social Security appeal challenging the Defendant’s finding that he is not disabled. *See* 42 U.S.C. § 405(g).

On January 17, 2024, the Magistrate Judge issued a Report and Recommendation (“R&R”) recommending that this Court reverse the decision of the ALJ and remand the case for further proceedings. (ECF No. 10). The R&R recommended that, on remand, the Commissioner “re-examine the record, reassess all opinion evidence, solicit new opinion if necessary, and conduct a new evidentiary hearing to further develop the record.” (*Id.* at 22). Both parties were advised of their respective rights to object to the R&R within fourteen days and of the rights they would waive by failing to do so. (*Id.* at 23).

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<sup>1</sup> Due to the significant privacy concerns in social security cases, this court refers to claimants only by their first names and last initials. *See* General Order 22-01.

This Court has reviewed the R&R. Noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, this Court hereby **ADOPTS** the R&R (ECF No. 10) and **REVERSES** the decision below and **REMANDS** the case for further proceedings consistent with the R&R.

**IT IS SO ORDERED.**



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**ALGENON L. MARBLEY**  
**CHIEF UNITED STATES DISTRICT JUDGE**

**DATED:** February 20, 2024